

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION**

APPLETON PAPERS INC. and)		
NCR CORPORATION,)		
))		
Plaintiffs,))		
v.))	No. 08-CV-16-WCG	
))		
GEORGE A. WHITING PAPER COMPANY,))		
ET AL.,))		
Defendants.))		
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NCR CORPORATION,))		
))		
Plaintiff,))		
v.))	No. 08-CV-0895-WCG	
))		
KIMBERLY-CLARK CORPORATION,))		
ET AL.,))		
Defendants.))		

**JOINT CIVIL L.R. 7(h) EXPEDITED NON-DISPOSITIVE MOTION FOR
MODIFICATION OF THE COURT'S APRIL 12, 2011 SCHEDULING ORDER**

Plaintiffs and Certain Defendants,¹ by and through their undersigned counsel, respectfully move this Court to modify Paragraph 3 of the Court's April 12, 2011 Scheduling Order ("Scheduling Order"), concerning expert disclosure deadlines. The requested modifications will not affect the scheduled trial date. In support the modifications, Plaintiffs and Certain Defendants state as follows:

1. Paragraph 3 of the Scheduling Order requires expert disclosures on all three issues identified in Paragraph 1 of the Scheduling Order to be made no later than November 18, 2011,

¹ Certain Defendants, for purposes of this motion, are Georgia-Pacific Consumer Products LP (f/k/a Fort James Operating Company), Fort James Corporation, and Georgia-Pacific LLC, P.H. Glatfelter Company, U.S. Paper Mills Corporation, Menasha Corporation, WTM I Company, CBC Coating, Inc., City of Appleton, and Neenah-Menasha Sewerage Commission.

and responsive expert reports to be served by December 16, 2011. The Scheduling Order requires depositions of all experts to be completed by January 27, 2012.

2. Because of limited witness availability, certain depositions have been scheduled for dates after the November 4, 2011, fact discovery deadline set forth in the Scheduling Order. The testimony of these witnesses will be relevant to the reports being prepared by the parties' experts.

3. Accordingly, Plaintiffs and Certain Defendants respectfully request that the expert report disclosure deadlines² be extended in the following manner:

- a. With respect to the issues described in Paragraph 1(a) and (b) of the Scheduling Order, relating to arranger liability and insurance, Plaintiffs and Certain Defendants request that expert reports be submitted by November 25, 2011, with responsive expert reports due on December 23, 2011.
- b. With respect to the issue described in Paragraph 1(c) of the Scheduling Order, relating to certain costs claimed by Defendants, Plaintiffs and Certain Defendants request that expert reports be submitted by December 2, 2011, with responsive expert reports due on December 22, 2011.

4. Plaintiffs and Certain Defendants are not seeking modification of any other deadlines in the Scheduling Order, including the final pretrial and settlement conference set for February 2, 2012, and the trial date of February 21, 2012, and are not seeking this modification of the Scheduling Order for purposes of delay.

² Plaintiffs and Certain Defendants are not requesting modification of the deadline for completion of expert depositions.

Respectfully Submitted,

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/s/ Ted Waskowski
Counsel for City of Appleton

Dated: November 3, 2011

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CERTIFICATE OF SERVICE

I hereby certify that on November 3, 2011, I electronically filed the foregoing Joint Civil L.R. 7(h) Expedited Non-Dispositive Motion for Modification of the Court's April 12, 2011 Scheduling Order using the ECF system, which will send notification of such filing to: Philip Munroe at DiRenzo & Bomier LLC, pmunroe@direnzollc.com; Scott Fleming at Weiss Berzowski Brady LLP, sbf@wbb-law.com; David Mandelbaum at Greenberg Traurig, LLP, mandelbaumd@gtlaw.com; Marc Davies at Greenberg Traurig, LLP, daviesm@gtlaw.com; Sabrina Mizrachi at Greenberg Traurig, LLP, mizrachis@gtlaw.com; Monique Mooney at Greenberg Traurig, LLP, mooneym@gtlaw.com; Caleb Holmes at Greenberg Traurig, LLP, holmesc@gtlaw.com; Adam Silverman at Greenberg Traurig, LLP, silvermana@gtlaw.com; Philip Hunsucker at Hunsucker Goodstein & Nelson PC, phunsucker@hgnlaw.com; David Rabbino at Hunsucker Goodstein & Nelson PC, drabbino@hgnlaw.com; Allison McAdam at

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